

## DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF PROPOSED RULEMAKING

The Acting Director of the Department of Behavioral Health (Department), pursuant to the authority set forth in Sections 5113, 5115, 5117, and 5118 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (BSEA), the “Department of Behavioral Health Establishment Emergency Act of 2013”, signed by the Mayor on July 30, 2013 (D.C. Act 20-130; 60 DCR 11384); the Fiscal Year 2014 Budget Support Act of 2013 (BSA), signed by the Mayor on August 28, 2013 (D. C. Act 20-157; 60 DCR 12472); and any substantially identical emergency, temporary, or permanent versions of the BSEA, hereby gives notice of the intent to adopt a new Chapter 56 to be entitled “Supported Independent Living — Reimbursement”, of Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

The Department provides Supported Independent Living Services to individuals enrolled in the public mental health system. The basic goal of Supported Independent Living (SIL) services and supports is to provide a safe home setting that includes community support within the consumers’ living environment, which allows consumers to recover from their mental illness while living independently on their own. In addition, SIL services provide assistance to consumers in moving forward and in transitioning to a less restrictive living environment, with training in life skills activities, home management, community services, and supports that are provided through a comprehensive continuum of care on an individual, flexible recovery driven basis. This type of SIL is appropriate for consumers that require limited assistance and supervision in personal care. SIL services include weekly home visits and monitoring conducted to provide every opportunity for the consumer to be successful in living independently within the community.

The proposed rules establish the reimbursement requirements and rates for those qualified Supported Independent Living providers which have contracted with the Department to provide SIL services to those consumers who have been determined to need SIL supports.

The Acting Director gives notice of the intent to take final rulemaking action to adopt the proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

**Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations is amended by adding a new Chapter 56 to read as follows:**

**CHAPTER 56 SUPPORTED INDEPENDENT LIVING PROGRAM - REIMBURSEMENT**

**5600 PURPOSE**

5600.1 This chapter establishes the daily reimbursement rate for the Supported Independent Living (SIL) service. Establishment of a daily reimbursement rate will allow the Department of Behavioral Health (Department) to contract with

providers who enter into a contract with the Department to provide SIL supportive services for specific consumers at an established rate.

- 5600.2 Nothing in this chapter grants any right or entitlement to reimbursement to an SIL provider for the costs of SIL services. Eligibility for reimbursement for SIL services is determined solely by the Human Care Agreement (HCA) contract between the Department and the SIL provider and is subject to the availability of appropriated funds.

#### **5601 REIMBURSEMENT RATE**

- 5601.1 The SIL rate is as set forth below:

SERVICE	RATE	UNIT
Supported Independent Living	\$13.50	Daily

#### **5602 ELIGIBILITY**

- 5602.1 A qualified SIL provider must be a Department-certified Mental Health Rehabilitation Services (MHRS) provider in good standing, maintain a valid Certificate of Occupancy that authorizes the number of housing units to be provided for SIL and have a valid business license on file with the Department's Office of Accountability.

#### **5603 SUBMISSION OF CLAIM; PAYMENT OF VOUCHER**

- 5603.1 In order for claims to be eligible for reimbursement, the MHRS provider shall:

- (a) Submit claims through the Department's electronic billing system pursuant to this chapter, the Department's billing policy, and the terms of the HCA between the Department and the MHRS provider; and
- (b) Complete appropriate documentation to support all claims under its HCA with the Department and shall retain such documentation for a minimum of six (6) years or longer if necessary to ensure the completion of any audit.

- 5603.2 The Department will reimburse an MHRS provider for a claim that is determined by the Department to be eligible for reimbursement pursuant to the terms of this chapter, applicable Department policies, and the HCA between the Department and the MHRS provider, subject to the availability of appropriated funds.

#### **5604 AUDITS**

- 5604.1 An SIL provider shall, upon the request of the Department, cooperate in any audit or investigation concerning the SIL. Failure to cooperate or to provide the

necessary information and documentation shall result in recoupment of the reimbursement and may result in other actions available to the Department pursuant to applicable policies and the HCA.

**5699 DEFINITIONS**

5699.1 When used in this chapter, the following terms shall have the meaning ascribed:

**Consumer** - Adult, child, or youth who seeks or receives mental health services or mental health supports funded or regulated by the Department.

**Mental Health Rehabilitation Services** or “MHRS” - Mental health rehabilitative or palliative services provided by a Department-certified community mental health provider in accordance with the District of Columbia State Medicaid Plan, the provider’s Human Care Agreement with the Department and Chapter 34 of this title.

**MHRS provider** - An organization certified by the Department to provide MHRS. MHRS provider includes Core Service Agencies, sub-providers, and specialty providers.

**Supported Independent Living** or “SIL” - Housing designed for individuals who have an ability to engage with others and in community activities. The goal of this level of care is to teach consumers how to manage their illness and enhance skills in activities of daily living in order to live safely in the community.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Office of General Counsel for the Department of Behavioral Health at 64 New York Avenue, N.E., 4<sup>th</sup> Floor, Washington, D.C. 20002, or e-mailed to Rena Justice, Assistant Attorney General, at [Rena.Justice@dc.gov](mailto:Rena.Justice@dc.gov). Copies of the proposed rules may be obtained from [dmh.dc.gov](http://dmh.dc.gov) or from the Department of Behavioral Health at the address above.